

Senate File 466 - Enrolled

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AN ACT

RELATING TO JUDICIAL ADMINISTRATION BY REQUIRING THE MASTER LIST FOR JUROR SERVICE TO BE UPDATED ANNUALLY USING AN ELECTRONIC DATA PROCESSING SYSTEM, ELIMINATING JURY COMMISSIONS, PLACING SHORTHAND REPORTERS IN EXEMPT STATUS, AND REQUIRING THE SUPREME COURT TO SUPERVISE THE BOARD OF EXAMINERS OF SHORTHAND REPORTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 331.322, subsection 16, Code 2017, is amended by striking the subsection.

Sec. 2. Section 331.502, subsections 34 and 36, Code 2017, are amended by striking the subsections.

Sec. 3. Section 331.653, subsection 43, Code 2017, is amended by striking the subsection.

Sec. 4. Section 602.1209, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. Carry out duties relating to the identification and service of jurors as provided in chapter 607A.

Sec. 5. Section 602.1303, subsection 3, Code 2017, is amended by striking the subsection.

Sec. 6. Section 602.3101, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The supreme court shall supervise the board and may review, approve, modify, or reject any board action, procedure, or decision. The supreme court may adopt rules to implement this subsection.

Sec. 7. NEW SECTION. 602.3206 **Exempt status.**

If a person's certification as a shorthand reporter is placed in exempt status, the person may transcribe or certify a proceeding the person reported while certified as an active shorthand reporter. A person transcribing or certifying a proceeding pursuant to this section shall remain subject to the jurisdiction of the board of examiners of shorthand reporters.

Sec. 8. Section 602.8102, subsection 91, Code 2017, is amended by striking the subsection.

Sec. 9. Section 602.8102, subsection 92, Code 2017, is amended to read as follows:

92. Carry out duties relating to the ~~selection~~ identification and service of jurors as provided in chapter 607A.

Sec. 10. Section 607A.3, Code 2017, is amended by adding the following new subsections:

NEW SUBSECTION. 2A. "*Electronic data processing system*" means an electronic jury management system as designated by the state court administrator.

NEW SUBSECTION. 3A. "*Jury pool*" means the sum total of prospective jurors reporting for service.

Sec. 11. Section 607A.3, subsections 3, 5, 6, 10, 11, and 13, Code 2017, are amended to read as follows:

3. "*Juror*" means any person ~~selected~~ identified for service on either the grand or petit jury who attends court when originally instructed to report or is deferred to a future date uncertain, or is on-call and available to report to court when so needed and so requested by the court.

5. "*Master jury list*" means the list of names taken from the source lists for possible jury service.

6. "*Motor vehicle operators list and nonoperators identification list*" means the official records maintained by the state of the names and addresses of those individuals in the respective counties retaining valid motor vehicle operator's driver's licenses ~~on or before March 15 of each~~

~~odd-numbered year or nonoperator's identification cards.~~

10. ~~"Random selection"~~ "Identification" means the selection random drawing of names in a manner immune to any subjective bias so that no recognizable class of the population from which names are being ~~selected~~ randomly drawn can be purposefully included or excluded.

11. "Source lists" means the voter registration list, the motor vehicle operators list, the nonoperators identification list, and other comprehensive lists of persons residing in a county as identified pursuant to [section 607A.22](#).

13. "Voter registration list" means the official records maintained by the state of names and addresses of persons registered to vote ~~on or before March 15 of each odd-numbered year.~~

Sec. 12. Section 607A.3, subsection 9, Code 2017, is amended by striking the subsection.

Sec. 13. Section 607A.20, Code 2017, is amended to read as follows:

607A.20 Jury manager.

~~If the chief judge of the judicial district uses electronic data processing techniques and equipment for the drawing of jurors in lieu of a jury commission, the~~ The chief judge of the judicial district shall, after consultation with the clerk, district court administrator and county auditor, appoint an individual to serve as the jury manager for ~~the~~ each county in that district. ~~The~~ A jury manager shall be responsible for the implementation of [this chapter](#) for the jury manager's county and shall assist the state court administrator in implementing this chapter. ~~The~~ A jury manager shall ~~update the master list from the source lists at least once every two years beginning January 1 after the general election is held~~ retain proper records to document, as directed by the chief judge or state court administrator, that the procedures used to randomly identify prospective jurors meet the requirements of this chapter.

Sec. 14. Section 607A.21, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

607A.21 Master jury list.

The electronic data processing system shall create a master

jury list by merging all of the names from the source lists and removing duplicative entries. The state court administrator shall ensure the electronic data processing system updates the master jury lists from the source list at least once every year. The names entered in the master jury lists constitute the grand and petit master jury lists, from which grand and petit jurors shall be identified.

Sec. 15. Section 607A.22, Code 2017, is amended to read as follows:

607A.22 Use of source lists — information provided.

1. ~~The appointive jury commission or the jury manager~~ state court administrator shall ~~use both of~~ ensure the following source lists ~~in are merged in the electronic data processing system when preparing grand and petit master jury lists:~~

a. The current voter registration list.

b. The current motor vehicle operators list and nonoperators identification list.

2. ~~The appointive jury commission or the~~ A jury manager may use any other current comprehensive list of persons residing in the county, ~~including but not limited to the lists of public utility customers,~~ which the ~~appointive jury commission or state court administrator or the~~ jury manager determines are useable for the purpose of a juror source list.

3. The applicable state and local government officials shall furnish, upon request, the ~~appointive jury commission or state court administrator or the~~ jury manager with copies of lists necessary for the formulation of source lists at no cost ~~to the commission, manager, or county.~~

4. ~~The jury manager or jury commission may request a consolidated source list. A consolidated source list contains all the names and addresses found in either the voter registration list or the motor vehicle operators list, but does not duplicate an individual's name within the consolidated list. State officials shall cooperate with one another to prepare consolidated lists. The jury manager or jury commission may further request that only a randomly chosen portion of the consolidated list be prepared which may consist of either a certain number of names or a certain percentage of all the names in the consolidated list, as specified by the~~

~~jury manager or jury commission.~~

Sec. 16. Section 607A.25, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

607A.25 Storing and security of master jury lists.

The master jury lists shall be stored in the electronic data processing system, and shall be accessible to only the state court administrator or state court administrator's designee, or the jury manager or jury manager's designee.

Sec. 17. Section 607A.26, Code 2017, is amended to read as follows:

607A.26 Preservation of records.

The clerk or jury manager shall preserve all records and lists compiled and maintained in connection with the selection identification and service of jurors for four years, or for any longer period ordered by the state court administrator or chief judge of the judicial district.

Sec. 18. Section 607A.30, Code 2017, is amended to read as follows:

607A.30 ~~Time of drawing~~ Drawing of jury pools.

~~In counties using an ex officio jury commission, the required number of jurors shall be drawn by the commission, or a majority of its members, at the office of the clerk at a time agreed to by the commissioners.~~

1. In counties using a jury manager, the At times necessary for the identification of grand and petit jurors, the jury manager shall arrange for the selection of the required electronic data processing system to draw the necessary number of grand and petit jurors at a time and place chosen by the manager from the master jury list.

2. The chief judge of the judicial district may by order prescribe the time for the drawing by the ex officio commission or the jury manager.

3. The jurors thus selected identified constitute the jury pool and shall be notified by the clerk or jury manager by regular mail when called.

Sec. 19. Section 607A.33, Code 2017, is amended by striking the section and inserting in lieu thereof the following:

607A.33 Electronic data processing system — identifying jurors.

The designated electronic data processing system shall be used for the identification of jurors.

Sec. 20. Section 607A.35, Code 2017, is amended to read as follows:

607A.35 ~~Filing list — notice~~ Notice to report.

After the list or lists have been drawn in the manner provided in [section 607A.33](#), ~~the list or lists shall be filed in the office of the clerk or jury manager~~ and immediately upon the request of the court, ~~the clerk or manager~~ shall issue a notice to report, by regular mail, to the persons ~~so drawn~~ identified to appear at the courthouse at times as the court prescribes, for service as petit or grand jurors.

Sec. 21. Section 607A.37, Code 2017, is amended to read as follows:

607A.37 Cancellation for illegality.

If the court determines that the petit or grand jurors have been illegally ~~selected, drawn,~~ identified or notified to report, the court may set aside the order under which the jurors were identified or notified and direct that a new ~~drawing, selection~~ identification and notification of a sufficient number of replacement jurors take place. ~~In that case, the ex officio jury commission shall meet at the office of the clerk, at the time the court directs, and proceed in the manner provided for the drawing of the original panel, to draw the required number of replacement jurors.~~

Sec. 22. Section 607A.39, Code 2017, is amended to read as follows:

607A.39 Additional jurors.

The court may order as many additional jurors ~~drawn~~ identified for a jury pool or panel as the court deems necessary.

Sec. 23. Section 607A.41, Code 2017, is amended to read as follows:

607A.41 Method of subsequent drawing.

The names of the jurors ~~drawn~~ identified under sections 607A.39 and [607A.40](#) shall be drawn by the ~~ex officio commission or the jury manager in the manner provided for the drawing of an original pool or panel~~ electronic data processing system that was used to draw the original jury pool or panel.

Sec. 24. Section 607A.43, Code 2017, is amended to read as follows:

607A.43 Correcting illegality in original lists.

If the court for any reason determines that there has been such substantial failure to comply with the law relative to ~~selection~~ jury identification, preparation, or return of grand or petit lists that lawful grand or petit jurors cannot be drawn, or that the lists are exhausted or insufficient for the needs of the court, the court shall order ~~the ex officio jury commission or the jury manager~~ or state court administrator to ~~convene at a fixed time and place~~ use electronic data processing techniques to prepare lists in lieu of the lists which have been found to be illegal, or an additional list or lists as the court deems necessary.

Sec. 25. REPEAL. Sections 607A.9, 607A.10, 607A.11, 607A.12, 607A.13, 607A.14, 607A.15, 607A.16, 607A.17, 607A.18, 607A.19, 607A.24, 607A.27, 607A.28, 607A.31, 607A.32, 607A.34, 607A.42, and 607A.44, Code 2017, are repealed.

JACK WHITVER

President of the Senate

LINDA UPMEYER

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 466, Eighty-seventh General Assembly.

W. CHARLES SMITHSON

Secretary of the Senate

Approved _____, 2017

TERRY E. BRANSTAD

Governor